

**Notice of Allowability**

Application No.

10/661,843

Examiner

Marc E. Norman

Applicant(s)

GOETTEL ET AL.

Art Unit

3744

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Application filed 12 September 2004.
2. ☒ The allowed claim(s) is/are 11-13,20,21 and 23-27.
3. ☒ The drawings filed on 12 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Amos Bartolli on 3 August 2004.

The amendments set forth below are made in view of the fact that Applicant's preliminary amendment filed 12 September 2003 was non-compliant and thus not entered by the USPTO. The amendments below reflect the amendments as set forth in the preliminary amendment.

The application has been amended as follows:

Claims 1-10, 14-19, and 22 have been cancelled.

Claim 13 remains as originally filed.

Claims 11, 12, 20, and 21 have been rewritten as follows:

11. An apparatus for heating gases cooled in an aftercooler connected to receive hot gases from a compressor, the apparatus comprising:

(a) means connected to receive a portion of such hot gases from such compressor for directing said portion of said hot gases around such aftercooler and to a predetermined location receiving cooled gases from such aftercooler, while a remainder of such hot gases is sent to such

Art Unit: 3744

aftercooler from such compressor for cooling, such hot gases being effective to heat such cooled gases at such receiving location;

(b) a temperature sensitive means for controlling an amount of hot gases by-passed around such aftercooler and to such location for receiving cooled gases from such aftercooler, wherein said temperature sensitive means is a thermostat located in a three-way valve connected to receive both hot and cooled gases.

12. The apparatus, according to claim 11, wherein said temperature sensitive means includes an electrical switch connected to receive a temperature representing signal.

20. (Amended) A method of by passing an aftercooler connected to receive high temperature compressed air from a source of such air, the method comprising the steps of:

(a) connecting (1) a first port of a three-way valve to such source of high temperature air, (2) a second port of such valve to such aftercooler, and (3) a third port of such valve to an output pipe;

(b) opening said valve between said first and second ports to conduct high temperature air through said valve to said third port when ambient temperature is near, at or below freezing, and to close said valve when ambient temperature is above freezing;

(c) using a magnet valve provide control said three-way valve for operating said three way valve in response to changes in ambient temperature.

21. The method, according to claim 20 wherein said method includes additional step of using a thermostat located in said three-way valve to open and close said valve.

The following new claims 23-27 have been added:

23. The apparatus, according to claim 11, wherein said bypass means includes a three-way valve having two ports connected respectively to receive hot gas from such compressor and cooled gas from such aftercooler, and an outlet port for directing a mixture of such gases from said valve.

24. The apparatus, according to claim 11, wherein said apparatus further includes a temperature sensitive means for controlling an amount of hot gas by-passed around such aftercooler and to such predetermined location for receiving such cooled gas from such aftercooler.

25. The apparatus, according claim 23, wherein said three-way valve supplies a mixture of such gases to an output pipe when ambient temperature falls to at least one of near freezing and freezing.

26. The apparatus, according to claim 23, wherein said apparatus further includes a magnet valve connected to receive hot compressed gas from such source of such gas, and use same as a control gas for operating said three-way valve.

27. The apparatus, according to claim 26, wherein said apparatus further includes a switch electrically connected to a magnet of said magnet valve for controlling energization and deenergization of said magnet based upon temperature signals received by said switch representing ambient, freezing and above freezing temperatures.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

As per independent claim 11, the prior art does not teach the temperature sensitive means being a thermostat located in a three-way valve connected to receive both hot and cooled gases.

As per independent claim 20, the prior art does not teach using a magnet valve to provide control air for the three-way valve for operating the three-way valve in response to changes in ambient temperature.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc E. Norman whose telephone number is 703-305-2711. The examiner can normally be reached on Mon.-Fri., 8:00-5:30, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel can be reached on 703-308-2597. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MN

A handwritten signature in black ink, appearing to read 'Marc Norman', with a stylized flourish at the end.

**MARC NORMAN**  
**PRIMARY EXAMINER**